

BEFORE THE HEARINGS PANEL

UNDER

the Resource Management Act
1991 (**RMA**)

IN THE MATTER OF

the Proposed Far North District
Plan (**PDP**)

**ADDITIONAL STATEMENT BY DAVID BADHAM ON BEHALF OF MCDONALD'S
RESTAURANTS (NZ) LIMITED**

PLANNING

24 July 2025

1. INTRODUCTION

- 1.1 My full name is David Eric Badham. A full statement of qualifications and experience is within Attachment 1 to my evidence filed on 13 May 2024 which addressed planning matters in relation Hearing Stream 1 – Strategic Direction for McDonald's.
- 1.2 The purpose and scope of my evidence as it relates to McDonald's submission (#S385) and further submission (#FS406) is provided in Section 1 to my evidence in chief filed on 7 July 2025 in relation to Hearing Stream 14 – Urban Zones (**EIC**).
- 1.3 I virtually attended Hearing 14 on 24 July 2025 to present my evidence and answer questions from the Hearing Panel. The Hearing Panel have requested an update to my evidence to include the hours of operation which I raised during questioning for drive-through facilities.
- 1.4 On behalf of McDonald's, I address this request in Section 2 below, and provide this response to assist the Reporting Officer's Right of Reply and the Hearing Panel's consideration of these matters.

2. DRIVE-THROUGH FACILITIES – HOURS OF OPERATION

- 2.1 Within my EIC, I made a recommendation to include a permitted consenting pathway for drive-through facilities within the Mixed Use Zone in MUZ-R2. Related to this, and during questioning, I raised a point around the potential to specify appropriate hours of operation within the permitted activity rule as a method to manage any adverse effects arising from this type of activity.

- 2.2 I had not addressed this within my EIC, but on review of my evidence prior to the hearing, I identified this as a potential gap in the provisions for drive-through facilities that is not clearly addressed elsewhere. To be clear, this is not a matter that was specifically requested within McDonald's submission, but rather something that I have identified in response to questioning within my area of expertise, in alignment with my duties as an expert witness under the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023.
- 2.3 Therefore, I recommend an amendment to MUZ-R2 to include hours of operation. I have recommended between 7am – 10pm (Sunday to Thursday) and 7am – midnight (Friday and Saturday) in alignment with the daytime noise limits for the Mixed Use Zone in the PDP Noise Chapter. Adherence to these hours of operation would be considered a permitted activity, and any non-compliance with these hours of operation could result in the requirement to apply for a restricted discretionary resource consent with discretion to address “noise effects on adjoining sensitive activities”.

David Badham

Date: 24 July 2025

Attachment 1 – recommended amendment to MUZ-R2

S42A recommended wording = additions underlined text deletions ~~strikethrough text~~

David Badham recommended wording = additions underlined text deletions ~~strikethrough text~~

MUZ-R2– Commercial activity (excluding supermarkets)

“Activity status: Permitted

PER-1

The activity is not a service station.

PER-2

Any office does not exceed GFA of 2300m².

PER-3

The activity is a ~~not a~~ drive through with the following hours of operation:

- a) 7am – 10pm (Sunday to Thursday); and
- b) 7am to midnight (Friday and Saturday).

PER-4

The new building or structure, relocated building or extension or alteration to an existing building or structure on the site, does not exceed GFA 450m².

Activity status where compliance not achieved with PER-4 PER-2 or PER-2:
Restricted Discretionary

PER-2 Matters of discretion are restricted to:

- a. Any effects on the transport network.

PER-3 Matters of discretion are restricted to:

- a. Noise effects on adjoining sensitive activities.
- b. The extent of any effect on the transport network;
- c. Any access is designed and located to provide efficient circulation on site and avoid potential adverse effects on adjoining sites, the safety of pedestrians and the safe and efficient functioning of the road network;
- d. Minimises building bulk, and signage while having regard to the functional requirements of the activity; and
- e. Landscaping is provided especially within surface car parking areas to enhance amenity values.

Activity status where compliance not achieved with PER-1 and 4:

Discretionary”